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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: J. Suumaki et al
Group No.: 2681
Serial No: 09/ 716,629
Examiner: B. Miller
Filed: November 20, 2000
For: Transfer of Optimization Algorithm Parameters During Handover of a Mobile Station, etc.

Commissioner of Patents and Trademarks
Washington, D.C. 20231

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT BEFORE
MAILING DATE OF EITHER A FINAL ACTION OR NOTICE
OF ALLOWANCE (37 CFR 1.97(c))

NOTE: "An information disclosure statement shall be considered by the Office if filed . . . before the mailing date of either (1) a final action under § 1.113 or (2) a notice of allowance under § 1.311, whichever occurs first, provided the statement is accompanied by either a certification as specified in paragraph (e) of this section or the fee set forth in § 1.17(p)." 37 CFR 1.97(c).

NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: Next Action:

(a) Certification:

"If information submitted during the period set forth in 37 CFR 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, [i]f the new ground of rejection was necessitated by amendment of the application by applicant."

(b) Fee:

"Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 CFR 1.17(p), the Office action shall not be made final." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Margery B. Hood

(Type or print name of person mailing paper)

Date: Oct. 28, 2004

Margery B. Hood
(Signature of person mailing paper)

(Transmittal of Information Disclosure Statement Before Mailing Date of Either A Final
Action Or Notice of Allowance [6-4]—page 1 of 3)

**TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION
DISCLOSURE STATEMENT**

1. The information disclosure statement transmitted herewith is being filed *after* three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but *before* the mailing date of either:
- (1) a final action under § 1.113 or
- (2) a notice of allowance under § 1.311,
- whichever occurs first.

CERTIFICATION OR FEE

2. Accompany this transmittal is

(check either A or B below)

- A. ☐ a certification as specified in 37 CFR 1.97(e)

OR

- B. ☒ the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$~~180.00~~).

FEE PAYMENT

(complete this item if applicable)

3. Applicant elects the option to pay the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under § 1.97(c) (\$~~180.00~~).

Fee due \$ 180.00

METHOD OF PAYMENT OF FEE

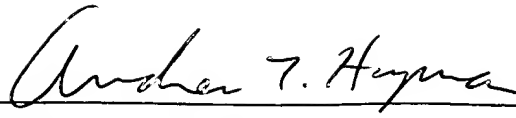
4.

- ☒ attached is check in the amount of \$ 180.00
- ☐ charge Account No. _____ in the amount of \$ _____

A duplicate of this request is attached.

If any additional fees are due, please charge Account 23-0442

Reg. No. 45,858
Tel. No.: (203) 261-1234



SIGNATURE OR ATTORNEY

Andrew T. Hyman

Type or print name of attorney

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Monroe CT 06468



944-001.008-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of :
J. Suumäki et al :
Serial No. 09/716,629 : Group Art Unit: 2681
Filed: November 20, 2000 :
For: TRANSFER OF OPTIMIZATION ALGORITHM PARAMETERS
DURING HANDOVER OF A MOBILE STATION, etc.

Assistant Commissioner for Patents
U.S. Patent and Trademark Office
Washington, DC 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit herewith references of which they are aware, which they believe may be material to the examination of this application and which they may have a duty to disclose in accordance with 37 CFR 1.56.

While this Information Disclosure Statement may be "material" pursuant to 37 CFR 1.56, it is not intended to constitute an admission that any document referred to herein is "prior art" for this invention unless specifically designated as such.

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, PO Box 1450, Alexandria VA 22313-1450.

Margery B. Hood
Margery B. Hood

Dated:

Oct. 28, 2004

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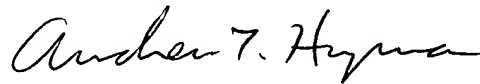
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In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement should not be construed to mean that a search has been made or that no other material information as defined under 37 CFR 1.56(a) exists.

Applicants wish to disclose an International Search Report in a copending application. It is noted that the ISR is more than three months old, so Applicants submit a check in the amount of \$180 to cover the cost of late filing. A copy of the ISR and cited references have been provided for the convenience of the Examiner.

Respectfully submitted,



Andrew T. Hyman
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mbh
October 27, 2004
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